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SUPERIOR COURT ✓  
YAVAPAI COUNTY, ARIZONA  
2010 OCT 15 AM 8:20  
JEANNE HICKS, CLERK  
BY: S. KELBAUGH

IN THE SUPERIOR COURT OF STATE OF ARIZONA

IN AND FOR THE COUNTY OF YAVAPAI

STATE OF ARIZONA,

Plaintiff,

v.

STEVEN CARROLL DEMOCKER,

Defendant.

Cause No. P1300CR20081339

Division 6

STATE'S REPLY TO DEFENDANT'S  
OBJECTION TO STATE'S MOTION TO  
EXTEND TIME FOR ADDITIONAL  
DISCLOSURE DATED SEPTEMBER 20,  
2010 AND MOTION IN LIMINE TO  
PRECLUDE EVIDENCE RELATED TO  
THE ANONYMOUS EMAIL FILED  
OCTOBER 14, 2010

The State of Arizona, by and through Sheila Sullivan Polk, Yavapai County Attorney, and her deputy undersigned, hereby submits its Reply to Defendant's Objection to State's Motion to Extend Time for Additional Disclosure Dated September 20, 2010 and Motion in Limine to Preclude Evidence Related to the Anonymous Email filed October 14, 2010.

The anonymous email is a recitation of facts as to the manner in which Carol Kennedy was murdered. The defense has repeatedly argued that only someone present at the time of the murder could know these facts. The State now possesses evidence in the form of testimony from Renee Girard and Charlotte DeMocker that Defendant Steven DeMocker is the author of the anonymous email. Therefore, the anonymous email constitutes a confession

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1 by Steven DeMocker that he was present at the time of the murder of Carol Kennedy. He is  
2 no longer "anonymous" as the email author and it can easily and reasonably be inferred from  
3 the anonymous email that Steven DeMocker is the murderer of Carol Kennedy.

4 Testimony of John Sears is not necessary for any purpose concerning the anonymous  
5 email unless the defense disputes chain of custody of the email. Sears turned the email over  
6 to Deputy County Attorney Joe Butner and YCAO Investigator Randy Schmidt. Schmidt  
7 investigated the email and found the internet café in Phoenix from which it was sent.  
8

9 Charlotte DeMocker has admitted to sending the email after being requested to do so by her  
10 father. Renee Girard will testify to being shown the language of the email in a jail visit  
11 before Defendant turned it over to Charlotte DeMocker during the same jail visit.

12 The State is not offering evidence of Defendant's character, but rather evidence of  
13 consciousness of guilt and Defendant's presence at the scene of the murder. Furthermore, the  
14 email demonstrates Defendant's willingness to construct a fictitious third party culpability  
15 defense as another step beyond planning to flee. Again, Defendant demonstrates  
16 consciousness of guilt in so doing.  
17

18 The fact that Defendant has been charged with new crimes arising from the  
19 anonymous email is irrelevant and immaterial to this case. The State has not suggested, nor  
20 does it intend, to use those charges in the case at bar unless the defense requests joinder.  
21

22 Defendant's Motion should be denied.  
23  
24  
25 ...  
26

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RESPECTFULLY SUBMITTED this 14<sup>th</sup> day of October, 2010.

Sheila Sullivan Polk  
YAVAPAI COUNTY ATTORNEY

By: 

Joseph C. Butner  
Deputy County Attorney

COPIES of the foregoing delivered this  
14<sup>th</sup> day of October, 2010 to:

Honorable Warren Darrow  
Division 6  
Yavapai County Superior Court  
(via email)

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By: 